

4. DCNW2003/2846/O - SITE FOR PROPOSED STORAGE, OFFICE, TOILETS BUILDING AT PART O.S.7900, PAYTOE LANE, LEINTWARDINE.**For: K J Watkins & Sons per Garner Southall Partnership, 3 Broad Street, Knighton, Powys LD7 1BL****Date Received:**
19th September 2003**Ward:**
Mortimer**Grid Ref:**
40447, 73669**Expiry Date:**
14th November 2003

Local Member: Councillor Mrs L O Barnett

1. Site Description and Proposal

- 1.1 The application site is located on the east side of Paytoe Lane and comprises the main depot of the applicants well established highway and earthworks contracting business. Permission was originally granted for the use of the site for the parking and storage of plant and equipment pursuant to application ref. 96/0591/N in October 1996.
- 1.2 Immediately to the north and west of the site are existing industrial units, which comprise the Paytoe Industrial Estate. One of the units opposite is currently rented by the applicant. Prior to this the administration and staff facilities were accommodated within a portacabin and shed located on the depot site. The portacabin remains on the land and is located behind the established hedgerow which defines the western boundary of the site.
- 1.3 The site lies outside the recognised settlement boundary of Leintwardine and is designated as a Landscape Protection Area.
- 1.4 Outline planning permission is sought for a new purpose-built industrial building to provide enhanced office and staff facilities to meet the requirements of the 18 staff employed by the applicant. It would also provide secure storage space which is not available at present.
- 1.5 The proposed building would have a floor area of 18 metres by 12 metres with a maximum height to the ridge of 6.8 metres. It would be positioned to the rear of the established depot site and would align with the existing unit located to the north. The landscaping of the site is a reserved matter but the intention is to provide a 2 metre buffer to the rear and a 3 metre buffer to the side to provide additional landscaping.
- 1.6 The application is accompanied by a statement setting out the applicants need for improved facilities and latterly a Flood Risk Assessment, which was requested following consultation with the Environment Agency who confirm the site location is within the flood plain of the River Teme.

2. Policies

Hereford & Worcester County Structure Plan

E6	Industrial Development in Rural Areas
CTC 9	Development Requirements

Leominster District Local Plan (Herefordshire)

A1	Managing The District's Assets And Resources
A2(D)	Settlement Hierarchy
A9	Safeguarding The Rural Landscape
A10	Trees And Woodlands
A13	Pollution Control
A14	Safeguarding The Quality Of Water Resources
A15	Development And Watercourses
A16	Foul Drainage
A24	Scale And Character Of Development
A28	Development Control Criteria For Employment Sites
A31	Employment Generating Uses Within Or Around The Market Towns
A35	Small Scale New Development For Rural Businesses Within Or Around Settlements
A54	Protection Of Residential Amenity
A70	Accommodating Traffic From Development

Herefordshire Unitary Development Plan (Deposit Draft)

S1	Sustainable Development
S2	Development Requirement
S4	Employment
S7	Natural and Historic Heritage
DR1	Design
DR2	Land Use & Activity
DR4	Environment
DR7	Flood Risk
DR13	Noise
DR14	Lighting
E5	Safeguarding Employment Land & Buildings
E6	Expansion of Existing Businesses
E8	Design Standards for Employment Sites
E10	Employment Proposals Within or Adjacent to Rural Settlements
LA2	Landscape Character and Areas Least Resilient to Change
LA3	Setting of Settlements
LA5	Protection of Trees, Woodlands and Hedgerows

Government Guidance

PPG 25 – Development and Flood Risk

3. Planning History

- 3.1 96/0591/N - Parking area for equipment and vehicles - Approved 7 October 1996.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency's initial response dated 27 October 2003 is set out in full in the appendix. In summary the site lies wholly within the floodplain of the River Teme and access would be restricted during a flood event. Falls within a Category 3b area within which guidance states that "these areas are generally not suitable for residential, commercial and industrial development unless a particular location is essential". Development would reduce flood flow conveyance and floodwater storage capacity resulting in a net loss of 330 cubic metres of flood plain storage. Compensation not regarded as sufficient and allowing this development would encourage more proposals in this area.
- 4.2 Environment Agency's response to consultation relating to Flood Risk Assessment dated 26 January 2004 is set out in full in the appendix. In summary the objection is maintained but if the local planning authority are minded to approve for other reasons conditions regarding the removal of existing spoil heaps and portacabin should be attached together with control over the construction of the floodable building and surface water treatment.

Internal Council Advice

- 4.3 Head of Engineering and Transportation - no objection but recommend condition relating to provision and retention of parking and turning space.

5. Representations

- 5.1 Leintwardine Parish Council raise no objection but make the following recommendations :
- building line should be same as on C&W building to allow for rear landscaping and tree planting.
 - should match adjacent C&W building in colour and using bricks not blocks.
 - landscaping to side and possibly front.
 - toilets not sufficiently separated from kitchen.
 - existing septic tank and soakaways are not obvious, what system is intended?
- 5.2 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 The key issues for consideration in the determination of this application are as follows:

- the principle of the proposed new industrial building;
- the flood risk associated with the proposed building and;
- the impact of the proposed building on the character and appearance of the surrounding countryside.

The Principle of Industrial Development

6.2 The application site lies outside the settlement boundary for Leintwardine and as such Policy A2 (D) of the Leominster District Local Plan (Herefordshire) established strict control over new development proposals. It does however allow for small-scale employment projects subject to compliance with Policies A31 and A35 of the Local Plan, which relate to employment development in the areas around established settlements.

6.3 Of particular importance in this case is the well-established commercial use of the application site and the lack of any realistic alternative locations from which the business could operate locally. Paytoe Lane is an established industrial estate and with the benefit of the permission granted in 1996, the application site represents an integral part of the estate.

6.4 Furthermore, it is considered that the proposed unit is of an appropriate scale relating well both in terms of size and location to the existing units to the north and west of the site.

6.5 Accordingly, it is considered that the general principle of constructing a purpose-built building to meet the specific needs of the business within the established depot site is an acceptable one.

Flood Risk

6.6 The Environment Agency confirm that in accordance with guidance set out in PPG 25, the application site would fall within Category 3b, namely a sparsely developed area at high risk of flooding and furthermore that such an area would not generally be suitable for commercial or industrial development unless a particular location was considered to be essential.

6.7 In this respect the justification put forward by the applicant with regard to the inadequacy of the current arrangements carries weight as a material consideration in reaching a recommendation on this application.

6.8 It is acknowledged that the lack of a building on site is a draw back in terms of the general running of day-to-day activities and site security but given the proximity of the existing unit this in its own right would not be sufficient to outweigh the concerns raised by the Environment Agency.

- 6.9 However, it is recognised that this well-established local business cannot adequately cater for its 18 strong workforce from the existing unit since it does not provide adequate office accommodation and ancillary facilities. Furthermore the applicant is in a position to compensate for the loss of flood storage capacity by the removal of existing structures on the site which would no longer be required should the proposed unit be allowed.
- 6.10 In these circumstances and on the basis that the building as proposed is designed to be floodable it is considered that on balance this proposal can be supported.
- 6.11 Whilst it has not been possible to overcome the Environment Agency's objection, the Flood Risk Assessment that has been submitted gives a clear indication that at no time in the past 40 years (the length of time that the applicant has operated in the area) has the site itself flooded. In terms of documentary evidence the flood event in November 2000 did not reach the site and the recent water levels were some 2 metres below the level of the application site. The Environment Agency do recommend that if permission is granted it should be subject to conditions requiring the removal of the existing portacabin and spoil heaps on site and ensuring that the new building is constructed so as to be internally floodable.
- 6.12 On a final point and in recognition of the Agency's concerns it is advised that the established commercial activities on the site are an important material consideration. In view of the surrounding areas location within open countryside, further industrial development on adjoining land would be unlikely to be supported as a matter of principle.

Character and Appearance of the Surrounding Countryside

- 6.13 The application site in its current form although open is characterised by a generally untidy appearance with a wide range of plant and equipment readily visible. It also has a clear visual relationship to the well-established units comprising the Paytoe Industrial Estate and accordingly the proposed building would not detract from the appearance of the area or look out of keeping with the prevailing industrial character of the immediate vicinity.
- 6.14 In view of the above, the proposed building would not cause demonstrable harm to the Landscape Protection Area and therefore the proposal accords with Policy A9 of the Leominster District Local Plan (Herefordshire).

RECOMMENDATION

That planning permission be granted subject to the following conditions :

- 1 - A02 (Time limit for submission of reserved matters (outline permission))**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 2 - A03 (Time limit for commencement (outline permission))**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3 - A04 (Approval of reserved matters) (landscaping)

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

4 - A05 (Plans and particulars of reserved matters)(landscaping)

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

5 - B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

6 - Prior to the commencement of the development hereby approved full details of the method of construction of the building in relation to its floodable design shall be submitted to and approved in writing by the local planning authority. The building shall be constructed in accordance with the approved details and thereafter maintained.

Reason: To protect the development from flooding.

7 - Prior to the commencement of the development hereby approved details of the removal of the portacabin, spoil heaps and any other structures shall be submitted to and approved in writing by the local planning authority. These shall be permanently removed from site prior to the first occupation of the building hereby approved.

Reason: To compensate for the loss of flood storage capacity associated with the construction of the new industrial unit.

8 - Notwithstanding the provisions of the Town and Country Planning (General Permitted development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 8 shall be carried out.

Reason: In recognition of the sites location in the flood plain of the River Teme.

9 - F20 (Scheme of surface water drainage)

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

10 - H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

Informative(s):

- 1 - N15 - Reason(s) for the Grant of PP

Hereford & Worcester County Structure Plan
E6 Development In Rural Areas Outside The Green Belt
CTC9 Development Criteria

Leominster District Local Plan
A9 Safeguarding The Rural Landscape
A15 Development And Watercourses
A24 Scale And Character Of Development
A28 Development Control Criteria For Employment Sites
A31 Employment Generating Uses Within Or Around The Market Towns
A35 Small Scale New Development For Rural Businesses Within Or Around Settlements

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.